

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

July 17, 2008



CU 08-01: Bryan Mid-Towne Apartment Homes, L.P.

CASE DESCRIPTION: request for approval of a Conditional Use Permit to allow a new apartment development on property in a Commercial (C-3) zoning district

LOCATION: 20.634 acres of vacant land located at the east corner of Prairie Drive and Osborn Lane in Bryan, Brazos County, Texas

LEGAL DESCRIPTION: 20.634 acres of land out of John Austin League, A-2

ZONING: Commercial District (C-3)

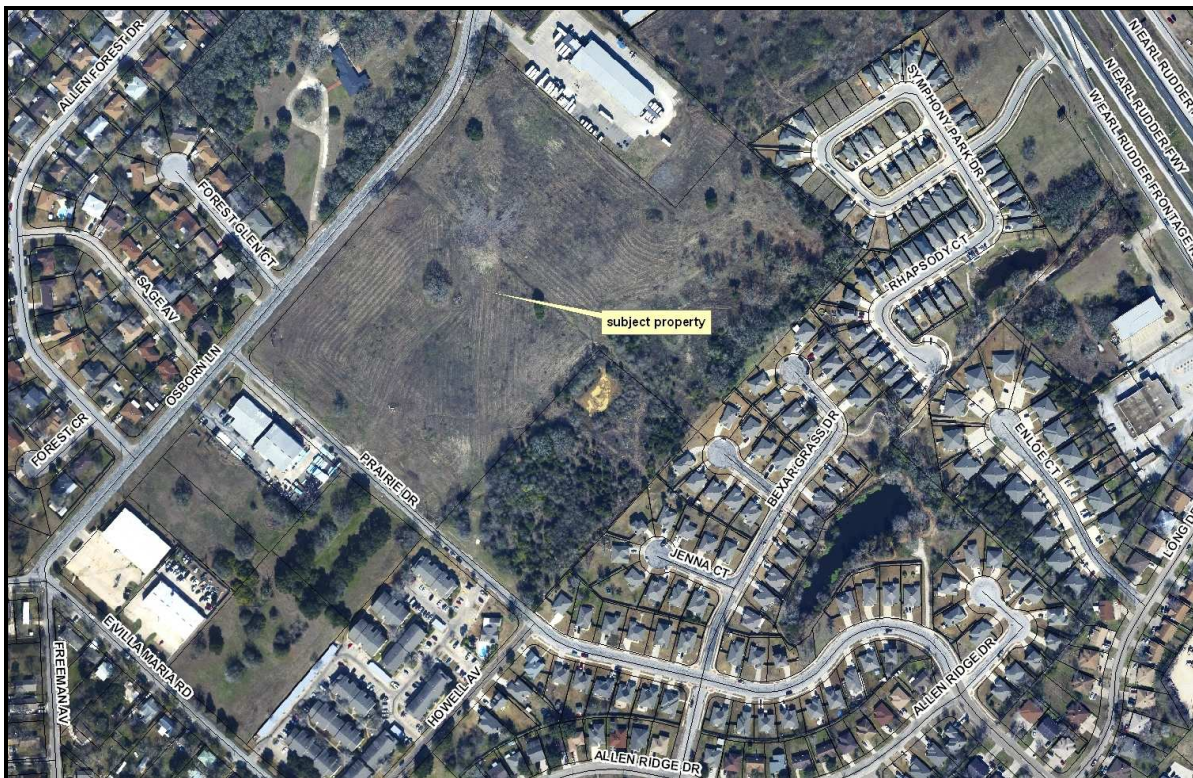
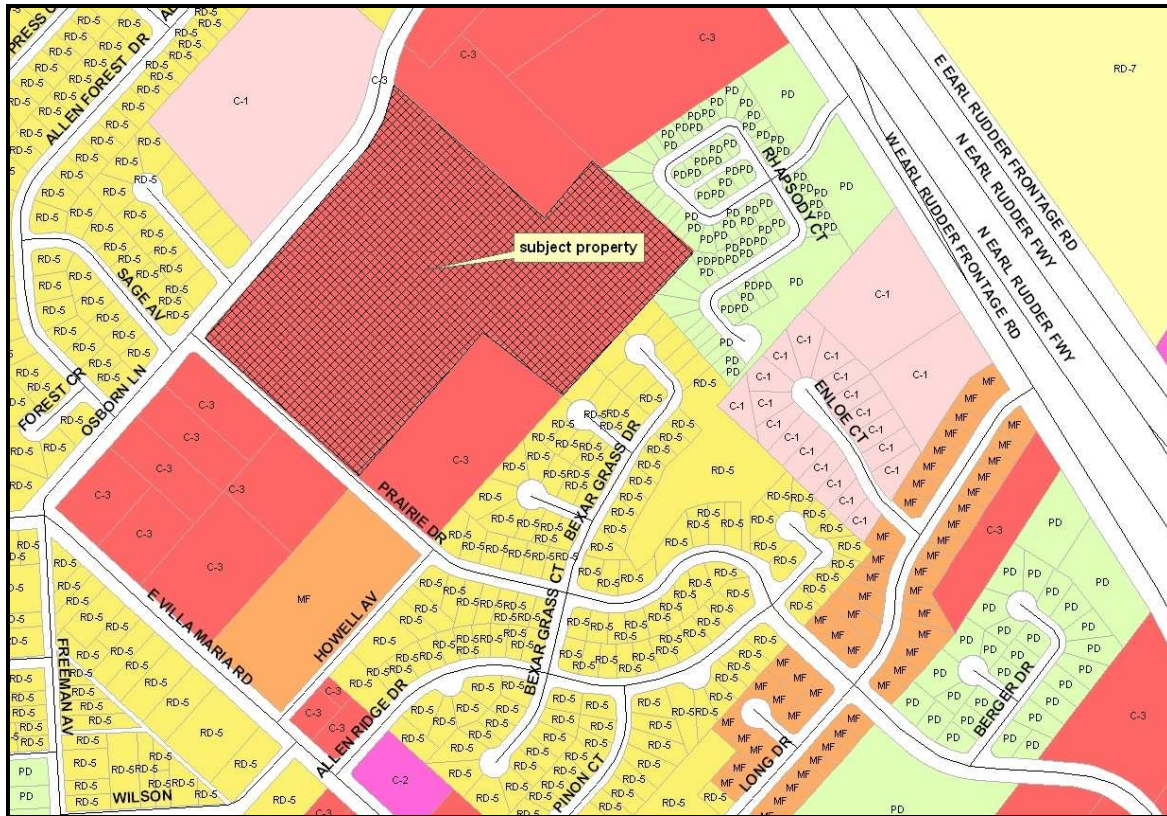
EXISTING LAND USE: vacant land

APPLICANT(S): Mr. Michael Lankford of Bryan Mid-Towne Apartment Homes, L.P., Houston, Texas

STAFF CONTACT: Martin Zimmermann, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this Conditional Use Permit, **subject to certain conditions**. Please see page six of this report for a more detailed description of staff's recommendation.

LOCATION MAP AND AERIAL PHOTOGRAPH (2008):



BACKGROUND:

The applicants, Bryan Mid-Towne Apartment Center Homes, LP have applied for the Texas Department of Housing and Community Affairs' 2008 housing tax credits program. They desire to build an apartment complex restricted for use by senior citizens on these 20+ acres.

The subject property is zoned Commercial District (C-3), which allows an apartment development only with approval of a Conditional Use Permit from the Planning and Zoning Commission. The applicants are requesting such a Conditional Use Permit to be able to build an apartment complex as shown on the site plan attached to this staff report.

As required by the Zoning Ordinance, with their application for approval of the Conditional Use Permit, the applicants submitted a site plan for review by the Site Development Review Committee (SDRC) on February 27, 2008. The SDRC provided comments regarding the applicants' site plan submission and subsequent revisions on March 4, June 17 and July 8, 2008. As this staff report is being written, many technical questions/issues regarding development of an apartment complex on the subject property remain to be addressed, including, but not limited to the size and location of public water and sewer line extensions, the location of fire hydrants and stormwater management.

At the applicants' request, the case was forwarded to the Planning and Zoning Commission for consideration, without an SDRC-approved site plan so that a decision regarding the use of this property for an apartment development can be made before July 31, 2008, an apparent tax credits program deadline. If Commissioners are inclined to approve this request, staff urges that any such approval be made subject to the recommended conditions listed on page six of this staff report. The conditions will help ensure that a new apartment development at this location meets all applicable requirements for development.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this particular request:

Chapter 5: Land Use

Use-Specific Land Use Policies:

High Density Residential land will predominantly consist of housing types such as apartments but may consist of other types as long as densities are high, ranging from 9 to 24 dwelling units per acre. These uses should be located in areas that are along collector or arterial streets mid-block, where appropriate.

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

Physical development of these 20+ acres is proposed to comply with the standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, coverage, access, screening, landscaping, accessory buildings, signs and lighting. Staff believes that applying the same standards that generally apply to MF-zoned properties in Bryan, is appropriate for an apartment development at this location, since apartments are allowed by right in MF zoning districts.

The applicants requested a variance from off-street parking standards for this property (case no. PV 08-21), which the Planning and Zoning Commission considered and denied during their July 3, 2008 meeting. The applicants have until July 14, 2008 to appeal that decision to the City Council. The attached site plan shows only 180 off-street parking spaces, which is 68 spaces less than what would be required by ordinary standards. If no variance from off-street parking spaces is granted for this development, then a minimum of 248 off-street parking spaces (1 per proposed bedroom) must be provided on the property.

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Properties to the east and west are developed with single-family houses at low to medium densities. Properties to the north and south are developed with commercial uses and multi-family residential uses. Staff believes that a new apartment development on the subject property is appropriate in this particular environment and may serve as a transitional land use between more intense commercial uses and less intense, lower density residential uses on adjacent properties.

Since the site's underlying zoning classification is C-3 District, minimum buffer area requirements apply where this property adjoins properties in a residential zoning district, i.e., in the Allen Park and Symphony Park subdivisions. No development is allowed in this buffer area except for required or permitted landscaping and screening, stormwater detention facilities, and pedestrian walkways. The applicants propose to provide additional landscaping to reduce this minimum buffer area from 75 feet to 45 feet, as shown on the site plan.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

Staff maintains that a new apartment development at this location would not create greater unfavorable effect or impacts on abutting properties than a large-scale commercial development, e.g. an outdoor theater, lumberyard, or nightclub which all could locate on this property without Conditional Use permit approval.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff does not anticipate that a new apartment development at this location will generate any more traffic than what a large-scale commercial development could generate on these 20+ acres. The subject property is adjoined by Osborn Lane, a collector street, capable of

accommodating traffic loads generally associated with apartment developments. Staff believes that, so long as off-street parking will be provided in accordance with requirements of the Land and Site Development Ordinance, residents, employees and visitors of an apartment development at this location will be able to park their automobiles on the subject property and not on adjacent public streets.

The attached site plan shows a new 1,100+ foot long sidewalk around the perimeter of this property along Prairie Drive and Osborn Lane. Staff believes that such a sidewalk could significantly enhance and perhaps encourage pedestrian traffic in this vicinity and serve as amenity for the entire neighborhood.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Any new development on this property, including a new apartment complex, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

The proposed site plan does not indicate the location of any proposed signage. With approval of this Conditional Use Permit, all signs would be subject to the standards and limitations on such signage that generally apply to properties zoned MF District. Staff is confident that these standards will prevent the installation of distracting signs in inappropriate locations on this property.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

As mentioned above, the attached site plan shows only 180 off-street parking spaces, which is 68 spaces less than what would be required by ordinary standards. If no variance from off-street parking spaces is granted for this development, then a minimum of 248 off-street parking spaces (1 per proposed bedroom) must be provided on the property.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

Multi-family dwellings are potentially allowed in C-3 Districts, with approval of a Conditional Use Permit, as they may be appropriate in some, but not all Commercial zoning districts. Staff believes that, in this particular case, a new apartment complex on the subject property will result in a desirable arrangement of land use intensities in this area which is already developed with mostly residential uses.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff believes that the proposed apartment development will have few (if any) ill effects on properties or improvements in the vicinity.

10. Whether the premises or structures are suitable for the proposed conditional use.

For the same reasons given above, staff believes that the premises are suitable for a new apartment development.

RECOMMENDATION:

Staff **recommends approving** the requested Conditional Use Permit to allow an apartment development on the subject property, **subject to the following conditions:**

- 1. That the apartment development shall generally conform to the site plan attached to this staff report.**
- 2. That a site plan fulfilling all the technical requirements for development of an apartment complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis and on-site traffic circulation, shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.**
- 3. That the apartment development shall generally conform to standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, building elevations, coverage, floor area ratio, access, screening, landscaping, accessory buildings, signs and lighting.**
- 4. That paved off-street parking (asphalt or concrete) for an apartment development on this property shall be provided at a ratio of 1 space per bedroom, unless Bryan's City Council authorizes a variation from this standard.**
- 5. That all subdivision plat requirements shall be fulfilled, as applicable, before any building permits for construction of an apartment development on this property are issued.**